

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: DAESHAWN HARRIS

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CIVIL ACTION

No. 21-1940

ORDER

AND NOW, this 13th day of May, 2021, upon consideration of *pro se* litigant Daeshawn Harris having submitted a letter complaint, Doc. No. 1, without either paying the fees to commence a civil action or filing a motion to proceed *in forma pauperis*, it is **ORDERED** that:

1. If Mr. Harris seeks to proceed with this action, he must within thirty (30) days of the date of this Order either (1) pay \$402 (the \$350 filing fee and \$52 administrative fee) to the Clerk of Court, or (2) file a motion to proceed *in forma pauperis* with a certified copy of his prisoner account statement (or institutional equivalent) showing all deposits, withdrawals, and a current balance, from any correctional facility in which he was confined for the six-month period from October 26, 2020 through April 26, 2021, reflecting account activity from that time period.

2. The Clerk of Court shall mail Mr. Harris a blank copy of this Court's current standard prisoner *in forma pauperis* form bearing the above civil action number. Mr. Harris may use this form to seek leave to proceed *in forma pauperis* if he cannot afford to pay the fees to commence this case. This form is also available on the Court's website <https://www.paed.uscourts.gov/documents/forms/ifpsfrm.pdf>.

3. Additionally, if Mr. Harris seeks to proceed by way of a civil rights complaint in this Court, he must, within thirty (30) days of the date of this Order, file an amended complaint that identifies all defendants in the caption of the amended complaint as well as identifying them in the body of the amended complaint. He must shall the basis for his claims against each

defendant. The amended complaint shall be a complete document that does not rely on the initial letter complaint or other papers filed so far in this case. When drafting his amended complaint, Mr. Harris should be mindful of the deficiencies in his initial letter complaint as discussed in the Memorandum accompanying this Order. If Mr. Harris files an amended complaint, the Clerk shall not make service until so ordered by the Court.

4. The Clerk of Court shall also mail Mr. Harris a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number, which he may use to file an amended complaint that complies with Federal Rules of Civil Procedure 8 and 10 by clearly setting out the names of the parties in the caption. This form is also available on the Court's website <https://www.paed.uscourts.gov/documents/forms/frmc1983f.pdf>.

5. If Mr. Harris did not intend to initiate a federal civil rights lawsuit by mailing the letters to the Court, or if, after review of this Order, Mr. Harris decides not to further pursue this action, Mr. Harris may file a Notice of Dismissal Pursuant to Federal Rule of Civil Procedure 41(a).

6. If Mr. Harris fails to comply with this Order his case may be dismissed without further notice for failure to prosecute.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE